



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Hugh P. Thompson
Chair

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Director

Statewide Minimum Standards for Electronic Filing **Effective September 25, 2014**

1. Title and Purpose.

For the purpose of facilitating the development and implementation of civil e-filing in all classes of court throughout the judiciary, the Judicial Council hereby supplements its previous adoption of a statewide technical standard for e-filing by adopting, effective immediately, the following statewide “Minimum Standards for Electronic Filing.”

2. Definitions.

For purposes of these standards:

- (a) *Court or Courts.* Court(s) means all courts of the State.
- (b) *Electronic Filing or E-Filing.* Electronic filing is the electronic transmission of documents to and from the court for the purposes of creating a court record in a format authorized by these standards.
- (c) *Electronic Filing Service Provider.* An electronic filing service provider (EFSP) is an entity or system authorized to transmit and retrieve court filings electronically.
- (d) *Electronic Service or E-Service.* Electronic service is the electronic notice registered filers in a case receive of a document’s filing and their ability to access the document electronically.
- (e) *Public Access Terminal.* A public access terminal is a computer terminal provided for free electronic filing and/or viewing of documents.
- (f) *Registered User.* A registered user is a party, attorney, or public or other authorized user, including judges, clerks and other court personnel, registered with an authorized EFSP to file, receive service of, or retrieve documents electronically.

3. Minimum Standards for Courts Making Available E-Filing.

A court may make electronic filing available only if:

- (a) *Rules.* The court’s class of court has adopted uniform rules for e-filing or the court has itself promulgated such rules by standing order in the form set forth in Proposed Uniform Superior Court Rules 36.16 & 36.17;
- (b) *EFSP or EFSPs.* The EFSP or EFSPs authorized to conduct e-filing maintain compliance with the standards set forth in paragraph 4 below;

(c) *E-Filing Alternative*. The clerk provides a no cost alternative to remote electronic filing by making available at no charge at the courthouse during regular business hours a public access terminal for free e-filing via the EFSP, by continuing to accept paper filings, or both; and

(d) *Public Access*. The clerk ensures that electronic documents are publicly accessible upon filing for viewing at no charge on a public access terminal available at the courthouse during regular business hours.

4. Minimum Standards for Electronic Filing Service Providers.

An electronic filing service provider may be authorized to conduct e-filing only if:

- (a) *Technical Standards and Approval by Judicial Council*. The EFSP complies with all Judicial Council e-filing standards, including use of the latest version of OASIS LegalXML Electronic Court Filing for legal data exchange and such technical and other standards as the Council may adopt in the future to facilitate the establishment of a reliable and effective statewide electronic filing and retrieval system for judicial records (including provision for electronic judicial signatures, uniform document index fields, interchangeable registered user names and passwords, etc.);
- (b) *Disclaimer of Ownership*. The EFSP disclaims any ownership right in any electronic case or document or portion thereof, including any commercial right to resell, recombine, reconfigure or retain any database, document or portion thereof transmitted to or from the court;
- (c) *Minimum Standards for Courts*. The EFSP agrees to commit its best efforts to ensure that the court and its electronic filing system and procedures are in compliance at all times with the rules and requirements referenced in the minimum standards set forth in paragraph 3 above;
- (d) *Other Requirements*. The EFSP likewise agrees to comply with other reasonable requirements imposed or agreed upon with respect to such issues as registration procedures, fees, hours of operation, system maintenance, document storage, system and user filing errors, etc.; and
- (e) *Terms of Use*. The EFSP develops, maintains and makes available, to registered users and the public, terms of use consistent with the foregoing.